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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION No. 230 OF 2013

Rajendra Vasant Rao Chavan & Anr. ... Petitioners
Vs.
State of Maharashtra & Ors. ... Respondents

None for the Petitioners.

Mr. Vishal Thadani, AGP for the Respondent – State.

Mr. B. B. Sharma, for Respondent No. 3 – CIDCO.

CORAM : V. M. KANADE, &
Mrs. SWAPNA S. JOSHI, JJ.

DATE : OCTOBER 18, 2016

PC.

1. None appears on behalf of the Petitioners. PIL was dismissed for default once on 22.4.2014. Thereafter it was restored. By this petition, which is filed as PIL under Article 226 of the Constitution of India, Petitioners are seeking following reliefs:

- “(a) That Rule be kindly issued and the relevant record and proceedings be called for;
- (b) That this Hon'ble Court be pleased to direct

Respondents No. 1 to 4 to -

- (i) to resume the land at Nerul Navi Mumbai in Sector 7 admeasuring 10 hectares (One lakh square meters) sold in favour of the Dr. D. D. Patil Sports Academy by the CIDCO (Respondent No. 3 herein) by the Resolution No. 8966 dated 24.2.2004 on account of illegal sale and loss of Government Revenue;
- (ii) Or to direct the Respondent No. 5, 6 and 7 to pay the cost of the said plot of land at Nerul at today's market rate prevailing in the area;
- (iii) to recover the loss of Rs. 24.73 crores from the Respondent No. 5 to 7 with market rate interest from the date of sale till its payment;
- (c) that by an interim order this Hon'ble Court be pleased to restrain the Respondent Nos. 5 to 7 from using the said Stadium utilised by Dr. D. Y. Patil Sport Academy in any manner;
- (d) that this Hon'ble Court be pleased to issue appropriate writ, orders and directions against Respondent No. 4, 5, 8 and 9 thereby -
 - (i) directing the Respondent No. 4 Municipal

Corporation to terminate the lease agreement with Respondent Nos. 8 and 9 for using the land for commercial purpose against the terms of Lease Agreement dated 14th May, 2011;

(ii) direct the Respondent No.4 Municipal Corporation to terminate the Lease Agreement with Respondents No. 8 and 9 for using the land for destruction of flora and fauna of Ramanmala Lake and making irreversible changes in the original and natural status of Ramanmala Lake and thereby causing irreparable loss to the environment and to recover the damage caused to Ramanmala Lake;

(iii) to direct the Respondent No. 4 to initiate appropriate Civil / Criminal proceedings against the Respondent No. 8 and 9 for using the premises of Water Park for consumption of liquor against the express terms of and conditions of Lease Agreement and the Tender Conditions;

(e) this Hon'ble Court be pleased to pass appropriate orders and directions thereby -

- (i) directing Respondent Nos. 1 and 2 to take appropriate action against Respondent No. 5 and 8 to 10 for illegal use of land bearing Survey No. 869 area admeasuring 1.19 acres situated at village Kasaba Bawda, Taluka Karveer, District Kolhapur, for personal gain for raising loans of more than Rs. 14 crores;
 - (ii) further directing to resume the land either with the government or with the Shri Mangoba Devasthan Trust for illegal use of land and to compensate Shri Mangoba Devasthan Trust for deceiving and depriving them from utilising their land;
- (f) that this Hon'ble Court be pleased to pass appropriate orders and directions thereby -
- (i) directing the Respondent Nos. 1 and 2 to resume the land at Survey No. 214 admeasuring 5 hectars 51 acres land situated at Kadamwadi, Kolhapur which was given on lease for the period of 15 years at the annual Rent of Rs. 884/- to the Respondent No. 10 Society as the lease period of 15 years is expired in September,

2006 and for using the land for commercial purposes by setting up private Medical Hospital;

(ii) and further to recover the rent at market rate with interest @ 18% pa from the period of expiry of lease from September, 2006 till the date of resumption of land by Respondent Nos. 1 and 2;

(g) that this Hon'ble Court be pleased to form a Special Investigation Team to investigate the matters of illegal allotment of and use of land as specified in abovementioned prayer clauses and file appropriate Criminal Proceedings against Respondent Nos. 5 to 10;

(h) that this petition be kindly allowed;

(i) to grant such orders and directions be issued which this Hon'ble Court deems just, legal and proper in the facts and circumstances of the present matter.”

2. Perusal of the prayer clauses indicates that the Petitioners are challenging allotment of land by Respondent No. 3, made in February, 2004. There is a gross delay in filing this PIL. After the land was allotted, a sport stadium has been constructed. The

Petitioners are now seeking injunction restraining Respondent Nos. 5 to 7 from using the said sport stadium. In our view, apart from the delay, no case is made out on merits for grant of reliefs, as claimed by the Petitioners. PIL is, therefore, dismissed.

Sd/-

[Mrs. SWAPNA S. JOSHI, J.]

Vinayak Halemth

Sd/-

[V. M. KANADE, J.]